

Official Form 417A (12/18)

IN RE:

VANESSA CHIU
Debtor(s)

CASE NO: 21-21661-RAM
Chapter 13

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): SOUTH BROWARD HOSPITAL DISTRICT, a special district d/b/a MEMORIAL HEALTHCARE SYSTEM
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☒ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Granting m/contempt/Order Granting In Part (ECF# 31, 61)
2. State the date on which the judgment, order, or decree was entered: March 10, 2022 & May 19, 2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: _____ Attorney: Jose A. Blanco, P.A.
102 East 49th Street
Hialeah, FL 33013


2. Party: _____ Attorney: _____

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Date: 5/27/22

(or appellant(s) if not represented by an attorney):
Name, address, and telephone number of attorney

Frank Rainer, Esq.
Memorial Healthcare System, Attorney for Creditor
3111 Stirling Road
Hollywood, FL 33312
954-265-5341

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

IN RE:

VANESSA CHIU

Debtor(s),

CASE NO: 21-21661-RAM

Chapter 13

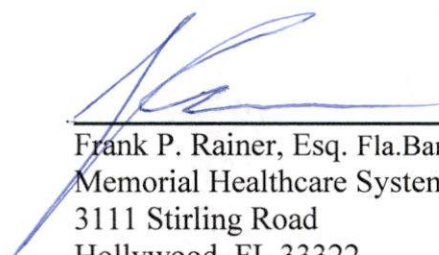
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Appeal was sent to all parties listed, electronically and by U.S. mail on May 27, 2022:

Jose A. Blanco, Esq.
102 E. 49th Street
Hialeah, FL 33013
jose@blacopa.com

Nancy K. Neidich, Bankruptcy Trustee
P.O. Box 279806
Miramar, FL 33027
www.ch13miami.com

Dated this 27th day of May, 2022.



Frank P. Rainer, Esq. Fla.Bar # 436518
Memorial Healthcare System
3111 Stirling Road
Hollywood, FL 33322
(954)265-5341
ATTORNEY FOR CREDITOR



ORDERED in the Southern District of Florida on May 18, 2022.

A handwritten signature in black ink, appearing to read "Robert A. Mark", written over a horizontal line.

Robert A. Mark, Judge
United States Bankruptcy Court

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

In Re: Vanessa Chiu
Debtor(s).

Bankruptcy No.: 21-21661-RAM
Chapter 13

**ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR CONTEMPT
AND COMPENSATORY AND PUNITIVE SANCTIONS FOR NON-COMPLIANCE
WITH COURT ORDER AGAINST MEMORIAL HEALTHCARE SYSTEM**

This action having come before this Court on May 17, 2022, at 9:00 AM upon the Debtor's Motion for Contempt and Compensatory and Punitive Sanctions for Non-Compliance with Court Order Against Memorial Healthcare System (herein "Creditor") [ECF#48; herein "Motion"], and the Court having heard the unopposed argument of Debtor's counsel,

IT IS ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED in part and DENIED in part.
2. The Court scheduled this hearing for 9:00 AM and at the initial uncontested motion calendar that was called by the Chapter 13 Trustee, Mr. Frank Rainer, General Counsel

for the Creditor, initially appeared and the matter was marked to be recalled for the Court. Upon the subsequently calling of the case by the Court, Mr. Rainer was not present. The Court waited until the end of the motion calendar to call the matter, but Mr. Rainer was still not present.

3. Creditor is hereby held in contempt for failure to comply with Court Order [ECF#31] which required the Creditor to pay \$2,714.15 to the Debtor's counsel.
4. The Debtor's counsel is awarded the \$684.00 for the filing and serving of the underlying Motion [ECF#48] and is further awarded an additional three (3) hours of time at \$425.00 an hour for \$1,275.00 for the preparation, attendance, and waiting for this matter to be recalled totaling \$1,959.00 as compensatory damages.
5. Creditor is directed to pay the original amount of \$2,714.15 plus the \$1,959.00 for a total of **\$4,673.15** payable to Jose A. Blanco, P.A., operating account, addressed to:

**Jose A. Blanco, P.A.
102 E 49th ST,
Hialeah, FL 33013**

6. Said total amount shall be paid by **May 27, 2022**.
7. Punitive damages sought in the Motion are hereby denied without prejudice to seek reconsideration.

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Attorney Jose A. Blanco, Esq. is hereby directed to serve a copy of this order upon all interested parties.

Respectfully Submitted By:
Jose A. Blanco, Esq. FBN: 062449
Jose A. Blanco, P.A.
Attorney for Debtor(s)
102 E 49th ST
Hialeah, FL 33013,
Tel. (305) 349-3463
Fax: (786) 567-5057
jose@blancopa.com



ORDERED in the Southern District of Florida on March 9, 2022.

A handwritten signature in black ink, appearing to read "Robert A. Mark", written over a horizontal line.

Robert A. Mark, Judge
United States Bankruptcy Court

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

In Re: Vanessa Chiu

Debtor(s).

Bankruptcy No.: 21-21661-RAM
Chapter 13

**ORDER GRANTING MOTION FOR CONTEMPT AND SANCTIONS FOR
VIOLATIONS OF THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. SECTIONS
105(A) AND 362(K) AGAINST MEMORIAL HEALTHCARE SYSTEM**

This action having come before this Court on March 8, 2022, at 9:00 AM upon the Debtor's Motion for Contempt and Sanctions Against Memorial Healthcare System [ECF#24; herein "Motion"], noting that service upon Memorial Healthcare System (herein "Creditor") was proper, and the Court having heard the unopposed argument of Debtor's counsel,

IT IS ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED.
2. The Court finds that the Creditor violated the Automatic Stay by continuing post-petition collection efforts against the Debtor.

3. The Creditor shall cease all communication and collection efforts with the Debtor.
4. For the presentment and prosecution of the Motion, the Creditor shall pay the Debtor's reasonable and fully earned attorney's fees of \$2,677.50 as well as actual costs of \$36.65 for a total sanction of **\$2,714.15**.
5. The Creditor shall make payment addressed to **Jose A. Blanco, P.A.**, operating account, and directly payable to Debtor's attorney's firm at:

Jose A. Blanco, P.A.
102 E 49th ST
Hialeah, FL 33013
6. Payment shall be received by the Debtor's attorney within **21 days** of the entry of this instant Order.
7. The failure to cease communication and collection efforts or the failure to timely pay the above-ordered sanction, may lead to the imposition of further sanctions and potentially punitive sanctions.
8. The Court shall retain jurisdiction of this Order to enforce the terms of this Order.

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Attorney Jose A. Blanco, Esq. is hereby directed to serve a copy of this order upon all interested parties.

Respectfully Submitted By:
Jose A. Blanco, Esq. FBN: 062449
Jose A. Blanco, P.A.
Attorney for Debtor(s)
102 E 49th ST
Hialeah, FL 33013,
Tel. (305) 349-3463
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